

Committee on Resources

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Testimony: Christopher Wright Before the House Committee on Resources April 25, 2006

Thank you for the opportunity to testify before the House Resources Committee, Mr. Chairman. My name is Christopher Wright, and I am from Mattapoisett, Massachusetts. I appreciate Congressman Pombo's and the House Resources Committee's concern in the rewriting of the Magnuson-Stevens Act and thank them for coming to New Bedford to hear our concerns and opinions regarding H.R. 5018.

I began working in the scallop industry in 1979, working summers to put myself through college until I graduated from Massachusetts Maritime Academy in 1983. I started fishing full-time shortly after graduation.

I have now been captain of the *F/V Huntress* for the past 19 years and have witnessed the ups and downs of the scallop industry and scallop resource during this time. Currently, the scallop resource is rebuilt and overfishing is not occurring. We are fishing the resource conservatively according to a plan that allows us to vary our fishing effort up or down depending on the condition of the resource.

This does not mean that scallop management is perfect. While we have had some very good fishing years recently, the management process needs to improve if we are to achieve optimum yield of our scallop resource. .

I have also been involved in cooperative research. I was the captain of the first vessel to take the University of Massachusetts School of Marine Science and Technology ("SMAST") video survey crew to sea, and I have participated in these efforts annually since 1999. The video survey is designed to survey the scallop resource, and it has also been used to provide information about habitat and sediment composition. During these years, we have surveyed the stock from Georges Bank to Virginia.

The Committee should realize the importance and need for the real-time collection and use of scientific information to effectively manage a fishery resource. Fishermen need to be included in this process. We are working hard at cooperative research, and NMFS and the Council need to do a better job of using the information we collect and the first-hand experience we have. This information must be incorporated into the management process as quickly as possible. The current practice is unacceptable.

The frustration comes when you know the best scientific information available is not being used, and that the Council (despite its efforts) does not have the flexibility to change course gradually when needed. If the data is not used in a timely manner, the industry, and ultimately the resources suffer.

An example I would like to bring to the attention of the Committee is the situation that occurred in the Hudson Canyon Scallop Access Area. As scallops were rebuilding, we started with an "area management" regime. This means that areas are closed or otherwise managed when large sets of small scallops are found, so that the scallops can grow out. In the Hudson Canyon, stock assessment surveys from NMFS in 2002 & 2003 determined how much fishing there was to be in the fishing years of 2004 & 2005. What appeared to be a sustainable harvest for the fishing fleet in 2002 turned out to be a bust for many vessels in 2005. They were not able to reach their quota of 18000 pounds per trip because the scallops were actually not plentiful enough to be economically viable.

NMFS had estimated the resource at 15 million lbs. Independent research showed approximately 6 million lbs. This was a very large discrepancy.

We knew this was coming. In May of 2005, I took Dr. Kevin Stokesbury and the SMAST video survey crew into Hudson Canyon to get real-time results. Within 3 days of returning from sea, SMAST was able to give a report to the Council as to the actual condition of the stock in that area, which was much lower than

previously anticipated by NMFS. Yet even with this information the Council did not have the flexibility to make adjustments during that fishing year or the following year. That year many vessels did not harvest all of their Hudson Canyon allocation. Industry has been working on how to get compensation to these vessels either thru additional open access days or access area trips.

This year, the Nantucket Lightship Closed Area will be opening up for vessels. This situation is different from the Hudson Canyon Closed Area, in part because the area was closed for groundfish reasons, not to produce scallops. In the Nantucket Area, the time to obtain "optimum yield" from the scallops there has past. This area is now known to have a very high natural mortality rate,(since the shell sizes were mostly 110-180mm shell height) up to 50% in the dense aggregation in the northeast corner. This total loss is equivalent to approximately 15 million lbs of harvestable resource worth over \$100,000,000 at today's price. Again, the scallop industry told the Council and NMFS that this was going to happen. Since the Council did not have flexibility or ignored the best available science of independent researchers, a large portion of our natural resource has been wasted.

The scallop industry has tried to tackle other important conservation issues as well. A few years ago, there was a concern about some threatened sea turtles being encountered in isolated spots in the Mid-Atlantic during the summer months. So industry went to scientists at the Virginia Institute of Marine Sciences, and the industry worked with a noted gear technologist, and we all designed and tested a chain mat that could go on the front of the scallop dredge to keep turtles out. During experiments, it was 100% effective, and the results were statistically significant. Two years ago, the industry asked NMFS to mandate the use of the "turtle chains." NMFS has refused, even as it faces lawsuits under the Endangered Species Act to shut scalloping down over turtles.

Likewise, we, as an industry, came forward with an idea to dedicate part of our total allowable catch in the access areas to pay for observers. (We did the same thing for cooperative scallop research.) On observers, the idea was simple – if you were picked to have an observer, you got to fish a little more so you could pay for the observer. Even though we were able to use this approach for several years, government lawyers got involved. Two years ago, they said this could not be done, but they did nothing to fix the problem. Now Congress has cut back observer funding and environmental groups are telling NMFS they are going to sue to shut us down for not having enough observers.

If you are going to look at the law, please make sure that it is designed to let fishermen come forward with good ideas and also that the Council and NMFS have the flexibility to take advantage of these good ideas. I know that you cannot legislate this, but it is also important that the Council and NMFS make it a priority to use information provided by the fishing community.

Finally, the law needs to preserve a place for fishermen or someone representing our industry to remain in the management process of the resource. Fishermen and the Council have more to offer than simply being asked to make allocation decisions while the scientists and mathematicians tell us how much we can fish.

Thank you, Mr. Chairman, for allowing me to address my concerns to the Committee.